

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05CV10639RCL

MARY P. DORSEY, Individually and as
Administrator of the Estate of James Dorsey,:

Plaintiff

v.

PFIZER, INC., WARNER LAMBERT COMPANY:
And PARKE-DAVIS, a division of
Warner-Lambert Company,
Defendants

**EMERGENCY MOTION OF PROPOSED DEPONENT, JOHN F.
DMOCHOWSKI, M.D. TO INTERVENE**

NOW COMES the proposed deponent, John F. Dmochowski, M.D., by and through his counsel, and moves that this Honorable Court grant him permission to intervene in the above captioned matter, pursuant to Rule 24 of the Federal Rules of Civil Procedure, for purposes of filing An Emergency Motion For Protective Order opposing the Defendants' notice of deposition of John F. Dmochowski, M.D.

As grounds for this motion, the proposed deponent John F. Dmochowski, M.D. states that he is not a party to the underlying action but on March 9, 2008, he was served with a deposition subpoena to be deposed on March 27, 2008. Unfortunately, Dr. Dmochowski is scheduled for surgery on March 27, 2008 and will not be available at that time. Due to discovery deadlines, counsel for the Defendant has refused to change the date of the deposition to accommodate Dr. Dmochowski's schedule. Accordingly, Dr. Dmochowski respectfully requests that this Court afford him an opportunity to intervene

Dorsey v. Pfizer, Inc., et al.

2

Emergency Motion of Proposed Deponent, John F. Dmochowski, M.D. to Intervene
Civil Action No. 05CV10639RCL

herein for purposes of filing a Motion for Protective Order so that his deposition will not go forward on March 27, 2008.¹

Due to the close proximity in time, the proposed deponent has no choice but to file this motion on an emergency basis.

WHEREFORE, John F. Dmochowski, M.D. respectfully requests that this Honorable Court: i.) grant his emergency motion allowing him to intervene in the above referenced matter; ii.) grant his emergency motion for protective order; and iii) grant such other and further relief as to this Court seems just and proper.

REQUEST FOR HEARING

John F. Dmochowski, M.D. respectfully requests that unless this Court sees fit to allow his Motion sua sponte, that oral argument be permitted.

Respectfully submitted
John F. Dmochowski, M.D.
by counsel,

/s/ Stephen M. Fiore
Stephen M. Fiore, Esquire
B.B.O. #634308
Foster & Eldridge, LLP
One Canal Park, Suite 2100
Cambridge, MA 02141
Telephone: (617) 252-3366

Dated: 3/18/08

¹ Dr. Dmochowski agrees to make himself available to be deposed on a mutually agreeable date and time.

Dorsey v. Pfizer, Inc., et al.

Emergency Motion of Proposed Deponent, John F. Dmochowski, M.D. to Intervene
Civil Action No. 05CV10639RCL

3

CERTIFICATE OF SERVICE

I, Stephen M. Fiore, hereby certify that on this day I served the Emergency Motion of Proposed Deponent, John F. Dmochowski, M.D. to Intervene, to the registered plaintiff in this action, via electronically.

Signed under the pains and penalties of perjury:

Respectfully submitted,
Defendant Dmochowski, M.D.,
By counsel,

/s/ Stephen M. Fiore
Stephen M. Fiore, Esquire
B.B.O. #634308
Foster & Eldridge, LLP
One Canal Park, Suite 2100
Cambridge, MA 02141
Telephone: (617) 252-3366

DATE: March 19, 2008